

REMARKS

Examiner's Office Action has been carefully considered and the patents applied as references to the rejection of the claims have been closely studied. However, applicant's invention is considered to be patentable over the prior art. Accordingly, independent claim 1 and dependent claims 5 and 8 have been amended to clearly and definitely distinguish over the prior art. Claims 2, 3, 4 and 7 have been cancelled and claims 12 - 15 have been withdrawn.

Claim 1 now recites that the strip retaining means are on opposed longitudinal side walls of each groove and the retaining means are spaced apart on the opposed side walls of a groove to enable a test strip to be inserted between the opposed means into a groove. There is no disclosure or teaching in any of the cited references, taken either singly or in combination, of a strip retaining means on the opposed side walls of a groove.

Willis et al discloses an instrument for reading a diagnostic test strip, comprising a retractable tray 20 having a central channel 24 and two side channels 26. But only the central channel 24 is sized to conform to the shape of the test strip 22. (see Col. 4, lines 20-21) We are left to speculate as to the functions or purposes of channels 26.

Assuming that the lowermost structure in Fig. 3 of Willis is a cross-section of channel 24 with a test strip therein, there is no structure disclosed or described to retain a test strip within the channel. Elements 28 and 30 are not described in the specification. The Willis instrument appears to be directed to reading a single test

strip at a time. Presumably, a test strip would be removed from channel 24 after analysis of the test sample on the test strip and there would therefor be no interest in retaining a test strip in the channel 24 since the channel must be available to receive another test strip for analysis.

Tydings discloses an assay device in which a plurality of test strips are vertically mounted on a front surface of a backing 8 and the surface is covered by a front cover 14 which seals each of the strips 12 at its both sides and bottom. The top portion of each strip is bent over the top edge of the backing to overlap onto a wicking paper 10 on the rear surface of the backing. Thus, Tydings does not teach a "groove indented into a face" of a core member as recited in applicant's claim 1. Further, there is no teaching of any structure on the side wall of a groove to retain a test strip in the groove. The structure identified by Examiner as "groove 14" which encloses a strip in a pocket or compartment does not have any structure along its side walls to retain a strip in its respective groove.

Wong discloses, in Fig. 8, a test strip assembly disposed within a cassette 400. The receiving portion of the test strip is retained within a recess 432 and projections 434 and spaced from recess 432 is a second recess and projections 434 which retain the other end portion of the test strip. Projections 434 are positioned adjacent the recesses 432 and thus the recesses and projections retain the test strip within the cassette. In Wong, both the recesses and the projections retain the test strip within the cassette. Here, again, there is no structure on side walls of a groove, or recess 432, to retain the test strip within the groove.

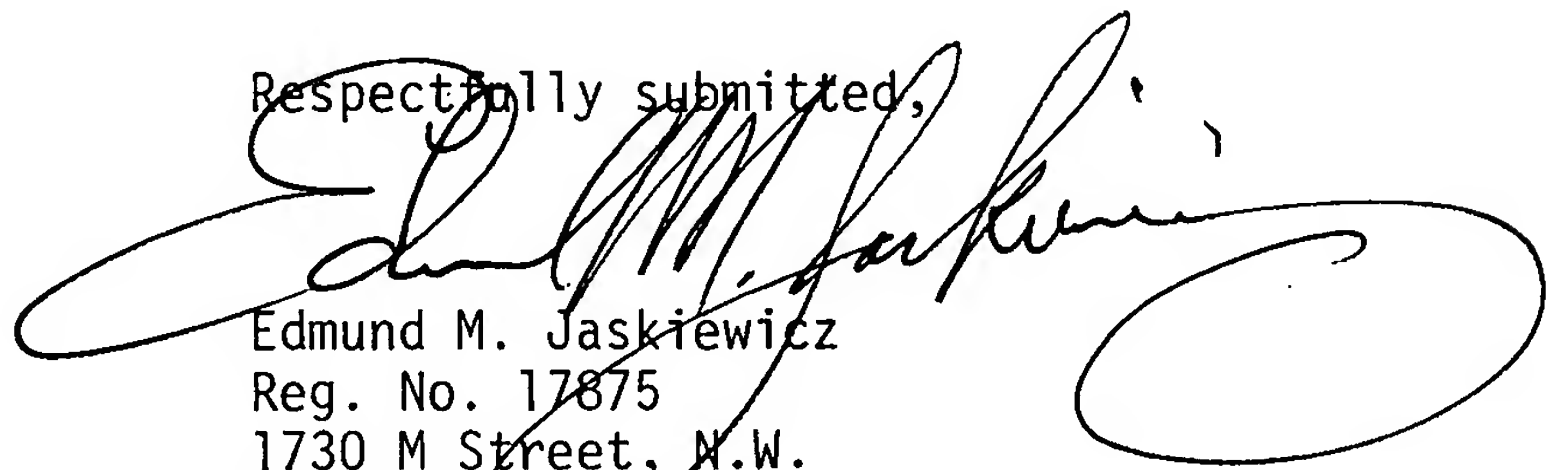
With respect to the rejection of claim 8 under 35 U.S.C. 112, the "side-by-side relationship" is described in the specification on page 17, lines 14-16 and illustrated in Fig. 19 of the drawings.

In claims 9 and 10 the "plurality of test strips are attached together" is described on page 17, lines 14-16 and illustrated in Fig. 20 as being mounted on a backing member 68 without any spaces between the individual strips.

In view of the foregoing amendments and remarks, it is believed the remaining claims which were rejected are now patentably distinguishable over the prior art and are allowable.

An early and favorable response from the Examiner is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Edmund M. Jaskiewicz', is written over the typed name and address.

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